IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Crl.Rev.Pet.No. 598 of 1997()

CC.459/1994 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA

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REVN. PETITIONER:

N.VISWAMBARAN
S/O.NARAYANAN
BEENA COTTAGE
KATTACHALIL KUZHI P.O.
BALARAMAPURAM.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: COMPLAINANT AND ACCUSED 1, 2 & 5 TO 9

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1. STATE OF KERALA
   REPRESENTED BY THE SUB INSPECTOR OF POLICE
   VIZHINJAM.

2. PRABHAKARAN NAIR
   S/O.AYYAPPAN PILLAI
   RESIDING AT PRABATH HOUSE, PUNNAKKULAM
   KOTTUKAL DESOM, KOTTUKAL VILLAGE.

3. DAMODARA PILLAI, S/O.KESAVA PILLAI
   MATHRAKKAL KADAYARA VEED, PUNNAKKULAM
   KOTTUKAL DESOM, KOTTUKAL VILLAGE.

4. SIVAN NAIR, S/O.CHELLAPPAN PILLAI
   "USHES", PUNNAKKULAM, KOTTUKAL DESOM
   KOTTUKAL VILLAGE.

5. PRABHAKARAN NAIR, S/O.KUNJUNNI NAIR
   DAIVAPPURAVILAKATHU VEEDU, PUNNAKKULAM
   KOTTUKAL DESOM, KOTTUKAL VILLAGE.

6. VELAPPAN, S/O.APPUKUTTAN
   BINDU NILAYAM, PUNNAKKULAM
   KOTTUKAL DESOM, KOTTUKAL VILLAGE

7. SASIDHARAN NAIR, PARAMESWARAN PILLAI
MULLUKADU VEEDU, PUNNAKKULAM
KOTTUKAL DESOM, KOTTUKAL VILLAGE.

8. MOHANAKUMAR, S/O.KRISHNA PILLAI
AYANIVILA VEEDU, PUNNAKKULAM
KOTTUKAL DESOM, KOTTUKAL VILLAGE.

BY ADV. SRI.P.SUKUMARAN NAYAR(SR.)
SRI.G.UNNIKRISHNAN
SRI.P.V.RAMESH SHANKAR
SRI.G.P.SHINOD

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.598 of 1997

Dated this the 19th day of June, 2007

O R D E R

The revision petitioner is PW1, the retired Assistant Registrar of Co-operative Societies, Neyyattinkara who was the prosecution witness.

2. The prosecution case is with respect to the offences under Sections 177, 409, 477(A), 120(B) and 34 IPC. The allegation is that the accused who were committee members of the society forged documents in the name of CW2 and availed subsidy to the tune of Rs.2,400/- between 10.4.1988 and 16.4.1988. A3 and A4 recommended the loan applications and the amount misappropriated. It is seen from the judgment of the court below that the accused were not even questioned under Section 313 of Crl.P.C. At the time of trial, A3 and A4 were no more. PW1/revision petitioner had only proved the complaint filed by one Natarajan, the Co-operative Inspector. It is seen from the order of the court below that the above Natarajan, the complainant, was not cited as a witness. PWs' 2 and 3 turned

hostile. Only 4 witnesses were examined, and not even the investigating officer.

3. In the circumstances, I find that there is nothing illegal in the order of the court below. The matter is of the year 1994 and the alleged incident of the period 1988.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl